

Senate File 228 - Introduced

SENATE FILE 228

BY MCKINLEY

A BILL FOR

1 An Act creating a small business advocate's office and a
2 solutions-to-minimize-unreasonable-government committee and
3 providing for an appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 2.42, Code 2011, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 17. To appoint the small business advocate
4 for a term of office ending June 30, 2015.

5 Sec. 2. NEW SECTION. **2E.1 Office of the small business**
6 **advocate established.**

7 The office of the small business advocate is established as
8 an agency of the legislative branch under the direction and
9 control of the legislative council.

10 Sec. 3. NEW SECTION. **2E.2 Appointment — vacancy and**
11 **removal — prohibited activities.**

12 1. The small business advocate shall be appointed by the
13 legislative council as provided in section 2.42. The small
14 business advocate shall be a citizen of the United States and
15 a resident of the state of Iowa, and shall be qualified to
16 analyze problems of law, administration, public policy, and
17 commerce especially as they relate to small business.

18 2. The legislative council shall fill a vacancy in the
19 office in the same manner as the original appointment.

20 3. The small business advocate is not authorized to hire
21 staff or employees.

22 4. The small business advocate may be removed at any time by
23 the legislative council.

24 5. The small business advocate shall not do any of the
25 following:

26 *a.* Hold another public office of trust or profit under the
27 laws of this state other than the office of notary public.

28 *b.* Engage in other employment for remuneration with an
29 agency or department of state government.

30 *c.* Be actively involved in partisan affairs.

31 Sec. 4. NEW SECTION. **2E.3 Duties.**

32 The small business advocate shall do all of the following:

33 1. Monitor the impact of government regulation on job growth
34 in the state.

35 2. Collect data and compile reports on the impact of

1 government regulation on job growth in the state.

2 3. Recommend to the legislative council policies and laws
3 that promote a regulatory environment conducive to job growth,
4 and particularly to the creation of jobs in small businesses
5 across the state.

6 4. Advise the legislative council and the general assembly
7 on the impacts that proposed legislation will have on the
8 ability of employers to create and retain jobs.

9 5. On or before January 1 of each year, submit a report
10 to the legislative council, the legislative services agency,
11 the administrative rules review committee, and the general
12 assembly. The report shall include the small business
13 advocate's recommendations for changes to law and public policy
14 that will remove barriers to job growth in the state.

15 Sec. 5. NEW SECTION. **2E.4 Information from the citizens'**
16 **aide.**

17 In investigating administrative actions, to the extent
18 the citizens' aide becomes aware of a pattern of regulation
19 evidencing actions or subjects described in section 2C.11,
20 the citizens' aide shall inform the small business advocate
21 of the pattern, and the small business advocate shall develop
22 and recommend to the legislative council, the legislative
23 services agency, the administrative rules review committee, and
24 the general assembly changes in policy or law to address the
25 pattern.

26 Sec. 6. NEW SECTION. **2E.5 Solutions-to-minimize-**
27 **unreasonable-government committee.**

28 1. The solutions-to-minimize-unreasonable-government
29 committee is created with staffing provided by the legislative
30 services agency.

31 2. The purpose of the committee is to review existing
32 and proposed state statutes, administrative rules, and other
33 agency requirements to consider whether the statutes, rules,
34 or requirements impose or would impose unnecessary barriers to
35 creating or maintaining private sector jobs. The committee may

1 issue reports to the general assembly at any time providing
2 recommendations for revising or eliminating statutes, rules, or
3 requirements as necessary to address such barriers.

4 3. The membership of the committee shall be appointed by the
5 small business advocate to include the following:

6 a. Five voting members who represent Iowa small businesses
7 from nominees provided by the Iowa office of the national
8 federation of independent business.

9 b. Four voting members who represent a broad spectrum of
10 Iowa businesses from nominees provided by the Iowa association
11 of business and industry.

12 4. The terms of voting members, election of officers,
13 and other procedural matters shall be as determined by the
14 committee. Voting members are not eligible for per diem or
15 expenses incurred in connection with committee work.

16 Sec. 7. Section 15G.110, Code 2011, is amended to read as
17 follows:

18 **15G.110 Appropriation.**

19 1. For the fiscal period beginning July 1, 2005, and ending
20 June 30, 2008, and for the fiscal period beginning July 1,
21 2011, and ending June 30, 2015, there is appropriated to the
22 department of economic development each fiscal year ~~fifty~~
23 forty-nine million eight hundred fifty thousand dollars from
24 the general fund of the state for deposit in the grow Iowa
25 values fund.

26 2. For the fiscal period beginning July 1, 2008, and ending
27 June 30, 2011, there is appropriated to the department of
28 economic development each fiscal year ~~fifty~~ forty-nine million
29 eight hundred fifty thousand dollars from the rebuild Iowa
30 infrastructure fund for deposit in the grow Iowa values fund,
31 notwithstanding section 8.57, subsection 6, paragraph "c".

32 Sec. 8. Section 15G.111, subsection 3, Code 2011, is amended
33 to read as follows:

34 3. *Appropriation.* For each fiscal year of the fiscal
35 period beginning July 1, 2009, and ending June 30, 2015, there

1 is appropriated from the fund to the department of economic
2 development for purposes of making expenditures pursuant to
3 this chapter ~~fifty~~ forty-nine million eight hundred fifty
4 thousand dollars.

5 Sec. 9. Section 15G.111, subsection 4, unnumbered paragraph
6 1, Code 2011, is amended to read as follows:

7 Of the moneys appropriated to the department pursuant to
8 subsection 3, the department shall allocate twenty-eight
9 million ~~five~~ three hundred fifty thousand dollars each fiscal
10 year as follows:

11 EXPLANATION

12 This bill provides for the establishment of a small business
13 advocate's office and a solutions-to-minimize-unreasonable-
14 government committee.

15 The office of the small business advocate is established as
16 an agency of the legislative branch under the direction and
17 control of the legislative council.

18 The small business advocate is not authorized to hire staff
19 or employees. The small business advocate cannot hold another
20 public office of trust or profit other than the office of
21 notary public, engage in other employment for remuneration with
22 an agency or department of state government, or be actively
23 involved in partisan affairs.

24 The duties of the small business advocate are to:

25 1. Monitor the impact of government regulation on job growth
26 in the state.

27 2. Collect data and compile reports on the impact of
28 government regulation on job growth in the state.

29 3. Recommend to the legislative council policies and laws
30 that promote a regulatory environment conducive to job growth
31 and particularly to the creation of jobs in small businesses
32 across the state.

33 4. Advise the legislative council and the general assembly
34 on the impacts that proposed legislation will have on the
35 ability of employers to create and retain jobs.

1 5. On or before January 1 of each year, submit a report
2 to the legislative council, the legislative services agency,
3 the administrative rules review committee, and the general
4 assembly. The report shall include the small business
5 advocate's recommendations for changes to law and public policy
6 that will remove barriers to job growth in the state.

7 The office of the citizens' aide (commonly called the
8 ombudsman), has some duties that overlap with the concerns of
9 the small business advocate. In investigating administrative
10 actions, to the extent the citizens' aide becomes aware
11 of a pattern of regulation evidencing actions or subjects
12 described in Code section 2C.11, the citizens' aide must inform
13 the small business advocate of the pattern, and the small
14 business advocate is directed to develop and recommend to the
15 legislative council, the legislative services agency, the
16 administrative rules review committee, and the general assembly
17 changes in policy or law to address the pattern.

18 The bill creates the solutions-to-minimize-unreasonable-
19 government committee in the office of the small business
20 advocate in new Code section 2E.5, to be staffed by the
21 legislative services agency.

22 The purpose of the committee is to review existing and
23 proposed state statutes, administrative rules, and other
24 agency requirements to consider whether the statutes, rules,
25 or requirements impose or would impose unnecessary barriers to
26 creating or maintaining private sector jobs. The committee may
27 issue reports to the general assembly at any time providing
28 recommendations for revising or eliminating statutes, rules, or
29 requirements as necessary to address such barriers.

30 The committee consists of nine voting members appointed by
31 the small business advocate from nominees provided by the Iowa
32 office of the national federation of independent business and
33 the Iowa association of business and industry. The committee
34 is authorized to determine the terms of voting members,
35 election of officers, and other procedural matters. Voting

1 members are not eligible for per diem or expenses incurred in
2 connection with committee work.

3 The annual budget for the small business advocate is
4 approved by the legislative council from the general assembly's
5 standing appropriation from the state's general fund. In order
6 to free up state general fund moneys for any additional costs
7 related to the appointment of a small business advocate, the
8 annual appropriation for the grow Iowa values fund is reduced
9 by \$150,000.